

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**JOHN DOE,**

**Plaintiff,**

**V.**

**VIRGINIA POLYTECHNIC INSTITUTE  
AND STATE UNIVERSITY, et al.,**

**Defendants.**

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**Case No. 7:21cv378**

**MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)**

Defendants Virginia Polytechnic Institute and State University (“Virginia Tech”), Timothy Sands (“Sands”), Alexey Onufriev (“Onufriev”), and Tamara Cherry-Clarke (“Cherry-Clarke”) (collectively “Defendants”), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, move this Court for entry of an Order dismissing the claims against them *with prejudice* for the reasons set forth in the accompanying Memorandum of Law.

Respectfully submitted,

VIRGINIA POLYTECHNIC INSTITUTE AND  
STATE UNIVERSITY, TIMOTHY SANDS, ALEXEY  
ONUFRIEV, and TAMARA CHERRY-CLARKE

/s/  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record.

/s/ Nathan H. Schnetzler  
Of Counsel

